

INCREASING THE PRESCRIBED FEES OF UNITED STATES COMMISSIONERS

MAY 31, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROGERS of Colorado, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 10949]

The Committee on the Judiciary, to whom was referred the bill (H. R. 10949) to amend section 633 of title 28, United States Code, prescribing fees of United States commissioners, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 3, after the numerals "633" insert the following: "(a)";

Page 1, line 5, insert between the quotation marks and the words "United States" the following: "(a)";

Page 2, line 8, following the colon, insert: "—";

On page 3 add the following new section:

SEC. 2. Subsection 633 (b) of title 28, United States Code is hereby repealed.

PURPOSE OF AMENDMENTS

These amendments are merely of a technical and perfecting nature.

PURPOSE OF THE BILL

The purpose of the bill is to amend the appropriate subsection of section 633 of title 28 of the United States Code so as to increase the fees prescribed for the United States commissioners and also to raise the maximum amount of earnings allowable from \$7,500 to \$10,500.

GENERAL STATEMENT

The fees prescribed for United States commissioners are fixed by section 633, title 28, of the United States Code. Under the present

law, a United States commissioner cannot earn more than \$7,500 annually. However, that maximum does not include the six pay increases which have been authorized since 1948. It is also noted that this bill, as well as present law, does not cover national park commissioners. The present maximum payable to a commissioner, including the salary increase, is \$9,376.50.

At the present time there are only five United States commissioners who receive the maximum salary. On June 30, 1955, there were 664 commissioners in office, 643 of whom were part-time officers, and the services which many of them rendered were occasional and slight. The extent of these services varied widely among commissioners. Of the 536 commissioners paid by the Administrative Office of the United States Courts in 1955, 438 of them earned \$1,400 or less; and 476, which is all but 60, earned under \$2,400.

Under the terms of the proposed legislation, the average increase in salary payable to a commissioner would be 4.4 percent.

The fees prescribed for United States commissioners were last increased in 1946.

The increase in fees which this legislation authorizes would be as follows:

- Reference in a litigated matter from \$5 to \$8 a day;

- Taking and certifying depositions from 10 cents per folio to 30 cents; from 10 cents per copy to 20 cents;

- Preliminary proceedings, internal revenue cases and admiralty hearings from \$7 for the first 25 to \$14; from \$6 to \$9 for the next 25; and from \$5 to \$8 for the next 50. Any additional copies, the same fee of \$2;

- Bail only from \$2.50 to \$4;

- Complaint from \$2.50 to \$4;

- Search warrant from \$4 to \$6;

- Discharge of an indigent prisoner from \$4 to \$6;

- Petty offense from \$10 to \$16 for the first 25 and \$12 for additional.

This legislation was introduced as a result of a communication from the Judicial Conference of the United States which, at its meeting in March 1956, recommended and approved the proposed bill.

The Department of Justice, in reply to the committee's request for its views on a similar bill, H. R. 7363, advised the committee that since the enactment of that bill was a matter of policy, it preferred to make no recommendation. However, the Department suggested that the committee obtain the views of the Administrative Office of the United States Courts.

Attached hereto as a part of this report is a communication from the Administrative Office of the United States Courts dated April 30, 1956, together with a report submitted to the members of its Committees on Supporting Personnel and Court Administration.

Under the terms of the proposed legislation, each commissioner would receive some increase in salary. Under the proposed increases in the amount of fees prescribed, the total amount would rise from \$525,000 to approximately \$664,000, which is a little more than 24 percent. The total cost as a result of the added increase in fees would be approximately \$137,000.

The committee recommends favorable enactment of this legislation.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,
Washington, D. C., April 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN CELLER: I would say in answer to your letters of July 27, 1955, and April 24, 1956, concerning the pending bill, H. R. 7363, that the Judicial Conference of the United States at its last meeting held on March 13 and 14, 1956, considered the compensation of United States commissioners which is the subject of that bill. I enclose a copy of the report which has come from the printer just this morning. The action concerning fees of United States commissioners is shown on page 8.

H. R. 7363 would increase the maximum limit upon the aggregate earnings of a commissioner in any one calendar year from \$7,500 to \$10,000, both sums exclusive of additions under the Pay Increase Acts of 1945 and 1946. The maximum limit with the additions included would be raised from a possible \$9,376.50 in a calendar year to approximately \$12,369. The bill would make no change in the rates of fees prescribed by section 633 (a) of title 28 of the United States Code and it would not increase the earnings of any commissioners except those who are now receiving the highest annual amounts.

The Judicial Conference at its recent meeting, recommended that the rates of fees of commissioners and also the maximum annual limit be increased, and those increases are provided for in the enclosed bill which the Judicial Conference approves. The action of the Judicial Conference was based upon a report of Committees of the Conference on Supporting Personnel and Court Administration, of which Chief Judge John Biggs, Jr., of Delaware is chairman. Those committees approved a report by me in collaboration with Mr. V. A. Clements, the Chief Auditor of the Administrative Office, and after study by him and his associates in the Audit Section. The fees recommended are shown in exhibit C of the report, a copy of which is enclosed, and which corresponds with the bill.

The principal differences between the enclosed bill and H. R. 7363 are these:

(1) The measure recommended by the Judicial Conference would increase the earnings of all commissioners and not only of those who are presently earning the annual maximum, as would the pending bill.

In view of the general rise in salaries and prices since 1946 when the present rates of compensation to commissioners were fixed, it would seem only equitable to grant a reasonable increase in compensation to all commissioners instead of only to the few whose earnings are already the highest. As appears from the table on page 5 of the accompanying report of the Administrative Office, 438 of the 536 commissioners who received compensation paid by the Administrative Office in the calendar year 1955 earned \$1,400 or less and 476, or all but 60, earned \$2,400 or less. The number who earned the statutory maximum and accordingly the only commissioners who would be benefited by the pending bill (H. R. 7363) were five. The rates of increase in fees provided for in the enclosed bill are graduated downward according to the numbers of cases handled, continuing the policy of graduation of fees in inverse proportion to volume provided for in the present law (28 U. S. C. 633 (a) (3)).

(2) For administrative purposes, in order to simplify the computation in the Administrative Office of fees due to the United States commissioners on their quarterly accounts, single rates for the different kinds of services and single limits upon the annual earnings are prescribed rather than rates subject to increase for the Pay Increase Acts of 1945 and 1946 as H. R. 7363 provides.

The necessity under the present law of computing the additions to the basic earnings for the increases under the pay increase acts mentioned, adds substantially to the labor and cost of determining and disbursing the fees due to the commissioners on their accounts. The desirability of avoiding this seems obvious. It is considered that the increases under the pay increase acts and other pertinent factors are sufficiently recognized in the higher rates provided for in the enclosed bill.

(3) The maximum earnings of a commissioner in any one calendar year under the bill enclosed are fixed at \$10,500 in comparison with approximately \$12,369, which the limit of \$10,000 plus additions under the Pay Increase Acts of 1945 and 1946 provided for in H. R. 7363, would yield.

It was the view of the committees of the Judicial Conference and of the Judicial Conference that a maximum limit upon annual earnings of a commissioner of \$10,500 would be reasonable.

Exhibit E of the enclosed report of the Administrative Office shows the increase in annual income of commissioners both in money and in percentage which would result from the recommended rates for commissioners handling different numbers of cases annually, ranging from 100 to 1,400. The percentage of increase over the present earnings would range downward from 29.5 percent for 200 cases or less to 12 percent for 1,400 cases. The average increase in rates would be 22.6 percent. But the average increase in earnings referred to in the exhibit as a "weighted average increase" would be 26 percent, reflecting the smaller numbers of cases handled by the great majority of commissioners. The added cost of the increases in the fees authorized according to the volume of work in the calendar year 1955, would be approximately \$137,000. The present fees of approximately \$527,000, would be raised to approximately \$664,000, or a little more than 24 percent.

In justice, the United States commissioners are entitled to an increase in their compensation on account of the changes in conditions which have occurred in the 10 years since 1946. The enclosed bill provides for moderate increases which will apply to all. It would appear to be a deserved recognition of the important services which the commissioners render, mainly at the beginning of criminal proceedings, and it is recommended on that basis.

With kind regards, I am,

Sincerely yours,

HENRY P. CHANDLER.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,
Washington, D. C., February 21, 1956.

To the Members of the Committees on Supporting Personnel and Court Administration:

FEES OF UNITED STATES COMMISSIONERS

At the September 1955 session of the Judicial Conference the matter of compensation of United States commissioners was referred to the Committee on Supporting Personnel for consideration on my recommendation. It was pointed out that there had been no change in the fees authorized for commissioners' services since 1946 and that a bill (H. R. 7363) was pending in the House of Representatives which would increase the existing limit on the basic fees which a commissioner may receive from \$7,500 to \$10,000 annually (conference report, p. 14).

Mr. V. A. Clements, the Chief Auditor of the Administrative Office, and his associates in the Audit Section have been for some time studying the compensation of the United States commissioners under the fees now prescribed (28 U. S. C. 633). They are especially familiar with the work of the commissioners and their compensation because they audit their accounts. It was their view in which I concurred and which I expressed in my annual report for 1955 (pp. 20-21 of the mimeographed report), that some increase in the fees would be reasonable, and that for simplicity of administration single rates should be prescribed for the different classes of service instead of the combination of a basic fee plus additions on account of the Pay Increase Acts of 1945 and 1946 which are necessary under the present statute.

There would seem to be three questions to be considered: First, should there be any increase in the rates of fee now prescribed? Second, if there is to be an increase, should it apply to all commissioners or only to certain classes? And third, if there is to be an increase, what should be the amount of it?

The question whether the conditions call for an increase in the fees of the United States commissioners is not an easy one to answer because, except in the case of a very few full-time commissioners, there are no records of the time required for the performance of their duties and no reliable information on the point. Of 664 commissioners in office on June 30, 1955, 643 were part-time officers and the services which many of them rendered were occasional and slight. The extent of the services varied widely among commissioners.

Nevertheless there are factors which have led me to conclude that in justice the fees of the commissioners should be somewhat increased. I have already referred to the fact that there has been no increase in the fees since they were fixed in 1946. Within that period of 10 years, there have been 4 general pay increases by successive statutes, in 1948, 1949, 1951, and 1955, in the benefit of which most personnel of the government have shared. Exhibit A attached shows that the average increase under these 4 acts has been 35 percent. While that may not be a criterion for the degree of increase deserved in the fees of commissioners, because of the part-time and occasional service of the great majority of them, the fact of increase which has come to the salaried personnel of the Government is I think something to be considered.

A stronger reason to my mind is the trend toward increase in lawyers' fees in recent years. Of the 664 commissioners at the end of the fiscal year 1955, 454, or more than two-thirds, were members of the bar. To them their receipts from services as United States commissioners were tantamount to fees received from clients. The commissioners who were not lawyers were by law and the custom of their office permitted to deal with the legal questions of limited range involved in their duties. Thus it seems pertinent to take account of the trend in lawyers' fees.

While it is difficult to ascertain with any precision the degree of increase in such fees, and there is a considerable variation in the fees for different classes of legal services and among different localities, there is a general consensus of informed opinion that the charges for lawyers' services have been going up. Increases within the last decade in the hourly rates for consultation, for preparing tax returns, for drafting wills, for work in trial courts on a time basis, for corporate organization, and for time in appellate courts of anywhere from a quarter to a third, or in some instances a half, are no uncommon. All in all, I am convinced that the United States commissioners should share to a moderate extent in the trend toward higher compensation for services not dissimilar to theirs.

The next question is, if there is to be an increase, should it apply only to certain types of commissioners or to all. The pending bill to which reference has been made (H. R. 7363) without changing the rates for specified services, would increase the maximum limit upon receipts of a commissioner in any one calendar year under section 633 (b) of title 28. That limit which is now a basic rate of \$7,500 plus additions for the pay increase acts of 1945 and 1946, which may bring the annual income to a total of \$9,376.50, would be raised to a basic sum of \$10,000 annually, which, with the additions under the pay increase acts, would produce a total income of approximately \$12,369. While I concur that there should be some increase in the maximum amount which United States commissioners may earn annually, it seems to me that it would be inequitable to grant an increase in compensation only to the commissioners who now reach the maximum and to deny it to the very large number of commissioners whose earnings from their part-time services fall far short of that.

A table following shows the different amounts of total compensation earned by 536 commissioners who received compensation paid by this office in the calendar year 1955. Four hundred thirty-eight earned \$1,400 or less, 38 earned between \$1,401 and \$2,400, and the number earning more than \$2,400 was only 60. Many, of course, of the United States commissioners who rendered services only occasionally and from them earned small amounts, were lawyers. It would not appear just to deny to them and to the other commissioners not lawyers rendering services analogous to legal services, some participation in the trend which has been noted toward increase in the rates of charge for such services. It is believed that fairness requires that if an increase in fees is to be granted to any commissioners it should be granted to all. Of course the shares in the increased fees will be related like the shares in the present fees to the amounts of service rendered in the individual cases.

RANGES OF EARNINGS OF UNITED STATES COMMISSIONERS IN THE
CALENDAR YEAR, 1955

In the calendar year 1955, of 536 commissioners who received compensation paid by the Administrative Office: 438 earned \$1,400 or less; 38 earned \$1,401 to \$2,400; 21 earned between \$2,401 and \$3,300; 13 earned between \$3,301 and \$4,300; 4 earned between \$4,301 and \$4,800; 5 earned between \$4,801 and \$5,400; 3 earned between \$5,401 and \$6,000; 3 earned between \$6,001 and \$6,500; 2 earned between \$6,501 and \$7,000; 1 earned between \$7,001 and \$7,600; 2 earned between \$7,601 and \$8,100; 1 earned between \$8,101 and \$8,700; 5 earned between \$9,201 and \$9,376.50.

We come now to the third question, what should be the amount of the increase? The question is complicated by the fact that the application to the present basic fees of the increases under the Pay Increase Acts of 1945 and 1946, while recommended by the committee of the Judicial Conference and the Conference, came subsequently to the study by the committee of the basic fee schedule provided for in section 633 (a) of title 28. To some extent the increases of the basic rates cut across the plan of graduation which the committee had formulated and did not altogether conform with it.

To arrive now at new single rates of fee for the different classes of services and graduate them as nearly as feasible according to the pattern of basic fees adopted in 1946, is not easy. The principle of graduation in the statute of that year was that for various specified types of services, fees should be graduated downward as the number of cases handled increased. This was for the reason, which still seems sound, that a commissioner who handles a larger volume of business can organize his work in such a way that it proportionately takes less of his time than that of a commissioner who handles only a few cases. Consequently in the recommendations of fees to follow, that principle is adhered to.

Exhibits B, C, D, E, and F attached show comparatively the rates of fee under the present law and the new rates recommended; also a comparison of the resulting income of the commissioners with different volumes of business. Exhibit B shows the composite fees now in force consisting of the basic fees prescribed in section 633 (a) (1) to (8) of title 28 of the United States Code, plus the increases under the 1945 and 1946 pay acts. Exhibit C following the specification of services in the present statute, shows the new fees recommended. Exhibit D is a comparison of the present fee schedule and the proposed new schedule for convenient reference. Exhibit E shows the comparative yield of the present fees and the fees recommended in the proposed new schedule according to numbers of cases handled by commissioners, ranging from 100 to 1,400 cases a year. Exhibit F shows the recommended increases in the rates recommended for the trial of petty offenses.

As appears from exhibit D the new rates of fee recommended for the different services are substantially higher than the present basic rates. For instance, the charge for issuance of a complaint before presentation is raised from the basic sum of \$2.50 to \$4. There is the same increase in the charge for setting bail only. The charge for conducting preliminary proceedings after presentation for the first

25 cases per quarter is raised from \$7 to \$14, for the next 25 from \$6 to \$9, for the next 50 from \$5 to \$8 without any change in the rate of \$2 for all cases above 100 per quarter. The charge for trying a petty offense, which in the present statute is a basic sum of \$10 (exclusive of pay act increases), is fixed at \$16 in the schedule recommended for the first 25 cases and \$12 for all cases above that number handled per quarter. The recommended rates stated above, however, are single fees for the services mentioned without any added amounts on account of the pay acts, so that the proportionate increase in the fees recommended is materially less than would appear from a comparison of the present basic rates with the proposed new single rates. The increase in the maximum annual compensation per year is from \$9,376.50 under the present law to \$10,500.

Exhibit E is significant because it shows what increase in annual income, both in money and in percentage, would result from the recommended rates for commissioners handling different numbers of cases annually, ranging from 100 to 1,400. The percentage of increase over the present gross earnings would range downward from 29.5 percent for 200 cases or less, to 12 percent for 1,400 cases. The average increase in rates would be 22.6 percent. But the average increase on the basis of the compensation earned in the calendar year 1955, referred to in the exhibit as a "weighted average increase," would be 26 percent. This is because the higher rates are allowed for commissioners handling the smaller numbers of cases, and a large majority are in that class. The added cost of fees of commissioners under the plan on the volume of work in the calendar year 1955, would be approximately \$137,000. The present fees of approximately \$527,000 would be raised to approximately \$664,000.

The increase recommended for the trail of petty offenses shown in exhibit F would average only 4.4 percent because by and large the present rates for that type of service are deemed virtually sufficient. The rise in the percentage of increase for volumes of 800 and 900 such cases a year, results from the increase in the maximum limit upon annual compensation from \$9,376.50 to \$10,500.

CONCLUSION

It is apparent that while it may be comparatively simple to decide whether or not the rates of fees of the commissioners should be increased, it is far from simple to devise a rate schedule that will be both just and administratively efficient. Whether the plan that is presented meets these tests or not is of course a matter of judgment. It seems to us that it does so better than any other of which we can think. While the increase is moderate, we believe that it does justice to the commissioners in the light of the nature of their work. We therefore recommend the plan for your consideration. When a decision is reached an amendatory statute can be drafted following the present section 633 of title 28 with only necessary changes.

HENRY P. CHANDLER.

EXHIBIT A

Statement of the per annum salary rates of classified employees and the percentage increases they have received since the year 1946

Grade	1946	1956	Increase	Percentage
GS-1-----	\$1,756.00	\$2,690.00	\$934.00	53
GS-2-----	1,954.00	2,960.00	1,006.00	51
GS-3-----	2,188.28	3,175.00	1,006.72	46
GS-4-----	2,394.00	3,415.00	1,021.00	43
GS-5-----	2,644.80	3,670.00	1,025.20	39
GS-6-----	3,021.00	4,080.00	1,059.00	35
GS-7-----	3,397.20	4,525.00	1,127.80	33
GS-8-----	3,773.40	4,970.00	1,196.60	32
GS-9-----	4,149.60	5,440.00	1,290.40	31
GS-10-----	4,525.80	5,915.00	1,389.20	31
GS-11-----	4,902.00	6,390.00	1,488.00	30
GS-12-----	5,905.20	7,570.00	1,664.80	28
GS-13-----	7,102.20	8,990.00	1,887.80	27
GS-14-----	8,179.50	10,320.00	2,140.50	26
GS-15-----	9,975.00	11,610.00	1,635.00	16
Average increase of-----				35

NOTE.—Pay acts involved: Public Law 900, 80th Cong., approved July 3, 1948 (62 Stat. L. 1267); Public Law 429, 81st Cong., approved Oct. 28, 1949 (63 Stat. L. 954); Public Law 201, 82d Cong., approved Oct. 24, 1951 (65 Stat. L. 612); Public Law 94, 84th Cong., approved June 28, 1955 (69 Stat. L. 172).

EXHIBIT B

SCHEDULE OF INCREASES BEING APPLIED UNDER PUBLIC LAWS 106 AND 390 (5 U. S. C. 934) TO THE BASIC FEES CLAIMED BY UNITED STATES COMMISSIONERS

Title 5, United States Code, section 934 provides in part:

* * * 20 per centum of that part of his rate of basic compensation which is not in excess of \$1,200 per annum, plus 10 per centum of that part of such rate which is in excess of \$1,200 per annum but not in excess of \$4,600 per annum, plus 5 per centum of that part of such rate which is in excess of \$4,600 per annum, plus (A) 14 per centum of his rate of compensation (including the additions thereto resulting from the application of the foregoing percentages), or (B) \$250 per annum, whichever is the greater, except that such rate of compensation shall not be increased by more than 25 per centum."

Basic fees	Public Law 106	Public Law 390	Cumulative increase
	Percent	Percent	Percent
\$1 to \$833.33-----	20	25	50
\$833.34 to \$1,200-----	20	(1)	20
\$1,200.01 to \$1,514.32-----	10	(1)	10
\$1,514.33 to \$4,600-----	10	14	25.4
\$4,600.01 to \$7,500-----	5	14	19.7

¹ No additional increase under Public Law 390 until 14 percent of basic fees, plus increases under Public Law 106, equals \$250. This feature of Public Law 390 works an inequity in that commissioners whose earnings range from \$833.34 through \$1,514.36, receive the same annual increase, \$250. Public Law 390, which was designed for application to annual salaries of classified employees, contained a minimum and maximum feature which when applied to fee earnings, resulted in the inequity stated herein.

10 INCREASING FEES OF UNITED STATES COMMISSIONERS

Based on the above cumulative increases, commissioners are presently being paid fees for their services as follows:

Number of cases per year	Before presentation fee			After presentation fee		
	Basic	Increase	Total	Basic	Increase	Total
		<i>Percent</i>			<i>Percent</i>	
1st 87 cases.....	\$2.50	50	\$3.75	\$7	50	\$10.50
Next 13 cases.....	2.50	20	3.00	7	20	8.40
Next 29 cases.....	2.50	20	3.00	6	20	7.20
Next 37 cases.....	2.50	10	2.75	6	10	6.60
Next 34 cases.....	2.50	25.4	3.15	6	25.4	7.50
Next 200 cases.....	2.50	25.4	3.15	5	25.4	6.25
Next 353 cases.....	2.50	25.4	3.15	2	25.4	2.40
All additional cases.....	2.50	19.7	3.00	2	19.7	2.40

Number of cases per year	Petty offense fee		
	Basic	Increase	Total
		<i>Percent</i>	
1st 83 cases.....	\$10	50	\$15.00
Next 37 cases.....	10	20	12.00
Next 30 cases.....	10	10	11.00
Next 310 cases.....	10	25.4	12.50
Next 290 cases.....	10	19.7	12.00

EXHIBIT C

PROPOSED FEE SCHEDULE FOR UNITED STATES COMMISSIONERS

United States Commissioners in each judicial district, except national park commissioners, shall receive only the following fees for all services rendered, not to exceed \$10,500 for any one calendar year:

(1) For attending to any reference by order of court of a litigated matter in a civil case or in admiralty, \$8 per day.

(2) For taking and certifying depositions, 30 cents for each folio and for each copy thereof furnished on request, 20 cents per folio.

(3) A fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of \$14 for each of the first 25 cases, \$9 for each of the next 25 cases, \$8 for each of the next 50 cases, and \$2 for each additional case, of the following kinds:

Issuance of an attachment and subsequent hearings in internal revenue matters pursuant to section 7604 (b) of title 26;

Settling or certifying the nonpayment of a seaman's wage pursuant to sections 603 and 604 of title 46;

Preliminary proceedings to hold an accused person to answer in district court, payable to the commissioner who disposes of the case by discharge or binding over, for all services rendered after presentation of the accused;

Each accused person brought before the commissioner for holding to answer in district court shall be considered a case for the purpose of computation of fees.

(4) For all services rendered for each accused person presented before him for purposes of bail only and not for holding to answer in district court, whether or not bail is taken or commitment ordered, \$4.

(5) Upon the filing of a sworn, written complaint, for all services rendered prior to presentation of the accused before the commissioner, \$4 for each person accused.

(6) For all services in connection with each formal, written application for a search warrant, whether granted or denied, \$6.

(7) For each proceeding for the discharge of an indigent prisoner, \$6.

(8) For each defendant tried or sentenced by him for a petty offense, in lieu of all other fees provided in this section, a fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of \$16 for each of the first 25 cases and \$12 for each additional case.

EXHIBIT D

Comparative statement of the present fee schedule and the proposed fee schedule

	Present schedule ¹	Proposed schedule
Reference in a litigated matter.....	\$5 per day.....	\$8 per day.
Taking and certifying depositions.....	10 cents per folio.....	30 cents per folio.
	10 cents per copy.....	20 cents per copy.
Preliminary proceedings (after presentation), internal-revenue cases (26 U. S. C. 7604 (b)) and admiralty hearings (46 U. S. C. 603 and 604).....	First 25 at \$7; next 25 at \$6; next 50 at \$5; additional at \$2. ²	First 25 at \$14; next 25 at \$9; next 50 at \$8; additional at \$2. ²
Bail only.....	\$2.50.....	\$4.
Complaint (before presentation).....	\$2.50.....	\$4.
Search warrant.....	\$4.....	\$6.
Discharge of an indigent prisoner.....	\$4.....	\$6.
Petty offense.....	\$10.....	First 25 at \$16; additional at \$12. ²
Ceiling on basic fees (5 U. S. C. 633 (b)).....	\$7,500 ³	\$12,500.
Proposed ceiling on gross fees.....		\$10,500.

¹ Not including increases under 5 U. S. C. 934.

² The numbers of proceedings indicated are on a quarterly basis.

³ Ceiling including increases under 5 U. S. C. 934—\$9,376.50.

EXHIBIT E

Schedule of fees payable to a United States commissioner under the present fee schedule and the percentage increases they would receive under our proposed schedule of fees for services rendered before and after presentation of an accused in 100 to 1,400 cases per year

Number of cases per year	Amount of basic fees under 28 U. S. C. 633 (a)	Total pay- able as increases under 5 U. S. C. 934	Total pay- able under present fee bill	Total pay- able under proposed fee bill	Amount of proposed yearly increase	Percentage of increase over pres- ent basic fees	Percentage of increase over pres- ent gross earnings
100.....	\$950	\$440.00	\$1,390.00	\$1,800	\$410.00	43.2	29.5
200.....	1,800	594.00	2,394.00	3,100	706.00	39.2	29.5
300.....	2,550	784.50	3,334.50	4,300	965.50	37.9	28.9
400.....	3,300	975.00	4,275.00	5,500	1,225.00	37.1	28.7
500.....	3,750	1,089.30	4,839.30	6,100	1,260.70	33.6	26.0
600.....	4,200	1,203.60	5,403.60	6,700	1,296.40	30.9	24.0
700.....	4,650	1,315.05	5,965.05	7,300	1,334.95	28.7	22.4
800.....	5,100	1,403.70	6,503.70	7,900	1,396.30	27.4	21.5
900.....	5,550	1,492.35	7,042.35	8,500	1,457.65	26.3	20.7
1,000.....	6,000	1,581.00	7,581.00	9,100	1,519.00	25.3	20.0
1,100.....	6,450	1,669.65	8,119.65	9,700	1,580.35	24.5	19.5
1,200.....	6,900	1,758.30	8,658.30	10,300	1,641.70	23.8	19.0
1,300.....	7,350	1,846.95	9,196.95	10,900	1,303.05	17.7	14.2
1,400.....	7,500	1,876.50	9,376.50	10,500	1,123.50	15.0	12.0
Average increase of.....							22.6
Weighted aver- age increase of.....							26.0

EXHIBIT F

Schedule of fees payable to a United States commissioner under the present fee schedule and the percentage increases they would receive under our proposed schedule of fees for services rendered in the trial of petty offenses (18 U. S. C. 3401) in 100 to 900 cases per year

Cases	Present schedule ¹	Proposed schedule	Increase	Percentage increase United States com- missioners
100-----	\$1,450.00	\$1,600	\$150.00	10.3
200-----	2,644.80	2,800	155.20	5.9
300-----	3,898.80	4,000	101.20	2.6
400-----	5,152.80	5,200	47.20	.9
500-----	6,384.00	6,400	16.00	.3
600-----	7,581.00	7,600	19.00	.3
700-----	8,778.00	8,800	22.00	.3
800-----	² 9,376.50	10,000	623.50	6.6
900-----	² 9,376.50	² 10,500	1,123.50	12.0
Average increase of-----				4.4

¹ Basic fees plus increases under 5 U. S. C. 934.

² Present ceiling of \$9,376.50.

³ Proposed ceiling of \$10,500.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman existing law in which no change is proposed, with matter proposed to be stricken out enclosed in black brackets, and new matter proposed to be added shown in italics:

SECTION 633, TITLE 28, UNITED STATES CODE

§ 633. Fees and expenses.

(a) United States commissioners in each judicial district, except national park commissioners, shall receive the following fees only for all services rendered **[]**, *not to exceed \$10,500 for any calendar year:*

(1) For attending to any reference by order of court of a litigated matter in a civil case or in admiralty, **[\$5]** \$8 **[per]** a day.

(3) For taking and certifying depositions, **[10]** 30 cents for each folio and for each copy thereof furnished on request, **[10]** 20 cents per folio.

(3) A fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of **[\$7]** \$14 for each of the first **[25]** *twenty-five* cases, **[\$6]** \$9 for each of the next **[25]** *twenty-five* cases, **[\$5]** \$8 for each of the next **[50]** *fifty* cases, and \$2 for each additional case, of the following kinds:

Issuance of an attachment and subsequent hearings in internal revenue matters pursuant to section **[3615 (e)]** 7604 (b) of Title 26;

Settling or certifying the nonpayment of a seaman's wage pursuant to sections 603 and 604 of Title 46;

Preliminary proceedings to hold an accused person to answer in district court **[disposed of]**, *payable to the commissioner who disposes of the case* by discharge or binding over, for all services rendered after presentation of the accused **[]**;

Each accused person brought before the commissioner for holding to answer in district court shall be considered a case for the purpose of computation of fees.

(4) For *all services rendered* for each accused person presented before him for purposes of bail only and not for holding to answer in district court, whether or not bail is taken or commitment ordered, **[\$2.50]** \$4.

(5) Upon the filing of a sworn, written complaint, for all services rendered prior to presentation of the accused before the commissioner, **[\$2.50]** $\frac{1}{4}$ for each person accused.

(6) For all services in connection with each formal, written application for a search warrant, whether granted or denied, **[\$4]** \$6.

(7) For each proceeding for the discharge of an indigent prisoner, **[\$4]** \$6.

(8) For each defendant tried or sentenced by him for a petty offense, in lieu of all other fees provided in this section, **[\$10.]** *a fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of \$16 for each of the first twenty-five cases and \$12 for each additional case.*

[The additional compensation provided by section 934 of Title 5 shall apply to the fees prescribed herein.]

[(b) A United States commissioner shall not receive more than \$7,500 for any one calendar year for his services, exclusive of additions under section 934 of Title 5.]

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the first of these is the fact that the United States is a young nation, and that its history is a history of growth and expansion.

The second of these is the fact that the United States is a nation of immigrants, and that its history is a history of the struggle for a better life.

The third of these is the fact that the United States is a nation of free men, and that its history is a history of the struggle for freedom.

The fourth of these is the fact that the United States is a nation of peace, and that its history is a history of the struggle for peace.